

201 KAR 9:220. Restriction upon dispensing of Schedule II controlled substances and Schedule III controlled substances containing Hydrocodone.

RELATES TO: KRS 218A.205(3)(b), 311.595(9), (12), 311.597

STATUTORY AUTHORITY: KRS 218A.205(3)(b), 311.565(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(a) authorizes the board to promulgate administrative regulations to regulate the conduct of licensees. KRS 218A.205(3)(b) requires the board to promulgate an administrative regulation to prohibit a practitioner from dispensing greater than a forty-eight (48) hour supply of any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone unless the dispensing is done as part of a narcotic treatment program licensed by the Cabinet for Health and Family Services. This administrative regulation establishes that prohibition.

Section 1. (1) A physician licensed in Kentucky shall not dispense an amount greater than a forty-eight (48) hour supply of any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone to any patient, unless the dispensing is done as part of a narcotic treatment program licensed by the Cabinet for Health and Family Services.

(2) A physician licensed in Kentucky shall not act to avoid the limitation upon dispensing established in subsection (1) of this section by dispensing a Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone to a patient on consecutive or multiple occasions.

(3) Any violation of this section shall be considered a violation of KRS 311.595(12) and of 311.595(9), as illustrated by KRS 311.597(1)(b), and shall constitute a legal basis for disciplinary action pursuant to KRS 311.595. (39 Ky.R. 661; Am. 1660; eff. 3-4-2013; Crt eff. 1-15-2020.)